

BOARD OF APPEALS CASE NO. 4844

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BEFORE THE

**APPLICANTS: Garry & Frances
Yarrington**

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ZONING HEARING EXAMINER

**REQUEST: Variance to subdivide two lots
without the required building width and
side yard setback; 2307 Amoss Mill Road,
Pylesville**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 9/23/98 & 9/30/98

HEARING DATE: November 9, 1998

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Record: 9/25/98 & 10/2/98

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ZONING HEARING EXAMINER'S DECISION

The Applicants, Garry and Frances Yarrington are requesting a variance from the requirements of Table II to allow two residential lots in the AG district with less than the required 200 foot width (proposed 153 and 130 feet) and a variance from the provisions of Table II to allow a residential lot with a side yard of less than 40 feet (33 feet proposed).

The subject property is located at 2307 Amos Mill Road, Pylesville, Maryland 21132 and is more particularly identified on Tax Map 8, Grid 2F, Parcel 181. The subject parcel consists of 5 acres, is zoned AG and is located entirely within the Fourth Election District.

Mr. Garry Yarrington appeared and testified that he and his wife have owned the subject parcel for 27 years. He stated that the property is improved by his current dwelling and he would like to create a second lot for his daughter. He has a family conveyance but the shape of the lot requires the requested variances. The lot was described as mostly wooded with 208 feet of road frontage running rearward to a lot width of 154 feet. The lot is very long and narrow. Adjacent properties are a mix of agricultural and residential and nearby lots have been subdivided. The witness did not believe any adverse impact would result from creation of the described lot and subsequent construction of his daughter's residence. He said that tree removal would be minimized.

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Mr. Anthony McClune appeared on behalf of the Department of Planning and Zoning. Mr. McClune agreed that the parcel is unique in that it is long and narrow although of sufficient acreage to otherwise comply with the requirements of the Code. He also agreed that a grant of the requested variances would have no adverse impact to surrounding properties and would not impair the purposes of the Code. The Department of Planning and Zoning recommended approval of the subject request. There were no persons who appeared in opposition to the request.

CONCLUSION:

Pursuant to Section 267-11 of the Harford County Code, area variances may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.

The Hearing Examiner finds that the property is unique in that it is a long and narrow parcel. No adverse impacts should result as a result of the requested variances which appear to the Hearing Examiner to be the minimum relaxation of the Code required to allow creation of two lots.

The Hearing Examiner recommends that the Applicant's request be approved subject to the following conditions:

1. The Applicant shall submit a preliminary plan to the Department of Planning and Zoning for review and approval. A final plat must be approved and recorded for both lots.
2. All applicable County and State regulations must be met.

Date DECEMBER 7, 1998

William F. Casey
Zoning Hearing Examiner